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2 **State Bar No.: 144145**  
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**\*E-FILED - 8/26/09\***

7 **Attorney for:** Licking Enterprises, Inc.

8 **IN THE UNITED STATES OF CALIFORNIA**  
9 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 **LICKING ENTERPRISES, INC.,**

11 **Plaintiff(s),**

12 **v.**

13 **CITY OF SAN JOSE, a municipal**  
14 **corporation; SAN JOSE CITY COUNCIL;**  
15 **RON GONZALES, CINDY CHAVEZ, PAT**  
16 **DANDO, KEN YEAGER, CHUCK REED,**  
17 **FORREST WILLIAMS, LINDA J. LE**  
18 **ZOTTE, NORA CAMPOS, GEORGE**  
19 **SHIRAKAWA, JR., DAVID D. CORTESE,**  
20 **JOHN DIQUISTO, sued in their official**  
21 **capacities,**

22 **Defendant(s).**

Case No.: C07-00735 RMW (PVT)

**STIPULATION OF COUNSEL TO**  
**CONTINUE PRE-TRIAL CONFERENCE**  
**AND TRIAL DATES**  
**AND ORDER**

23 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES THROUGH**  
24 **THEIR COUNSEL HERETO THAT the Declaration of Stuart D. Kirchick, counsel for**  
25 **Plaintiff, be hereby incorporated herein by reference.**

26 **It is further hereby stipulated by and through the parties through their counsel herein**  
27 **that the pre-trial conference and trial dates be taken off calendar and continued for**  
28 **approximately sixty days beyond their currently scheduled dates to accommodate finalizing**  
29 **settlement of the above referenced case, as set forth in the declaration of Stuart D. Kirchick.**

1 So Stipulated.

2 Dated: August 26, 2009

3 By: /s/ Stuart D. Kirchick  
4 STUART D. KIRCHICK,  
5 Attorney for Plaintiff, Licking Enterprises, Inc.

6 So Stipulated.

7 Dated: August 26, 2009

8 By: /s/ Robert Fabela  
9 ROBERT FABELA,  
10 Senior Deputy City Attorney  
11 Attorney for Defendant, The City

12 **PROPOSED ORDER**

13 ~~It is hereby ordered that the Pre-trial Conference is hereby vacated and rescheduled to~~  
14 ~~===== It is hereby further ordered that the currently scheduled trial date in the~~  
15 ~~above-referenced case be hereby vacated and continued to =====.~~

16  
17 Date: 8/26/09

18 By: Ronald M. Whyte  
19 Ronald M. Whyte,  
20 United States District Court Judge

21 It is ordered that the Pretrial Conference and trial date are hereby vacated. The  
22 parties shall appear for a Case Management Conference on **October 30, 2009**  
23 **@ 10:30 a.m.** If the settlement is final, the parties are to file a dismissal with  
24 the Court by **October 23, 2009**, and contact the Courtroom Deputy at (408)  
25 535-5375, so as to take this matter off calendar.